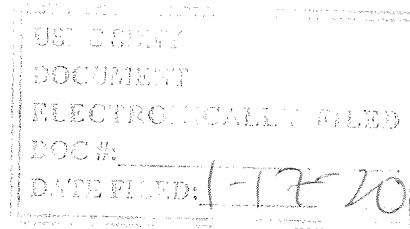


MEMORANDUM ENDORSEMENT

Brinson v. Curtin, et. al.,  
18 CV 7626 (VB)



In the attached letter, received on January 15, 2020, plaintiff, proceeding pro se and in forma pauperis, has filed a “Motion to Dismiss Defendant(s) Summary Judgment Motion.” (Doc. #48).

To the extent plaintiff asks the Court to deny defendants’ motion for summary judgment without the parties fully briefing the defendants’ motion, that application is DENIED.

A party seeking to oppose a motion for summary judgment may do so by filing an opposition. See Local Civil Rule 6.1. On January 15, 2020, the Court received plaintiff’s opposition to defendants’ motion for summary judgment. (Doc. #47). Moreover, plaintiff’s “Motion to Dismiss” provides two bases to deny defendants’ motion for summary judgment, the first of which is already addressed in plaintiff’s opposition brief—whether plaintiff properly exhausted administrative remedies or was excused from the exhaustion requirement—and the second—“[t]he original has no title [sic] at the top of the Page and the complaint to the superintendent has the superintendent at the top of the page”—is of no moment. (Doc. #48).

Accordingly, plaintiff’s motion must be denied. (Doc. #48).

Defendants’ reply, if any, is due January 29, 2020 (Doc. #46), at which time, the Court will deem the motion fully submitted.

To be clear, defendants’ motion for summary judgment is still pending. It will be decided in due course after defendants file their reply.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk is directed to mail a copy of this Order to plaintiff at the address on the docket and terminate plaintiff’s motion. (Doc. #48).

Dated: January 17, 2020  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti  
United States District Judge

Kevin L. Brinson Jr.  
Plaintiff

-v-

Sgt. Curtin, C.O. Heino  
Defendant(s)

7:18-cv-07626

Brinson v. Doe et al

Vincent L. Briccetti

TO: Judge: Vincent L. Briccetti

Motion to Dismiss Defendant(s)

Summary Judgment Motion

Attachment #2

RECEIVED  
SDNY DOCKET UNIT  
2020 JAN 15 PM 2:28

① Pro Se Plaintiff Contest Defendant(s)

Statement that the original Greivance to the  
Greivance office was not Submitted or on time.  
Where as the Court and myself has these  
Copies,

② The original has no title at the top of the  
Page and the Complaint to the superintendent has the  
Superintendent at the top of the page.

Respectfully Submitted

Kevin L. Brinson Jr.

Kevin Brinson

6207 Alameda Ave

Arverne NY, 11692 Apt#1

347-424-9356